

IC 29-3

ARTICLE 3. GUARDIANSHIPS AND PROTECTIVE PROCEEDINGS

IC 29-3-1

Chapter 1. Definitions

IC 29-3-1-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout and their application is limited to this article.

As added by P.L.169-1988, SEC.1.

IC 29-3-1-2

"Claim"

Sec. 2. "Claim" means, with respect to an incapacitated person or a minor, any liability of the incapacitated person or minor, whether arising in contract, tort, or otherwise, and any liability against an incapacitated person's or a minor's property that arises before, at, or after the appointment of a guardian, including expenses of administration.

As added by P.L.169-1988, SEC.1. Amended by P.L.33-1989, SEC.56.

IC 29-3-1-3

"Court"

Sec. 3. "Court" means the court having probate jurisdiction and, where the context permits, the court having venue of the guardianship.

As added by P.L.169-1988, SEC.1.

IC 29-3-1-4

Repealed

(Repealed by P.L.264-1989, SEC.14.)

IC 29-3-1-5

"Durable power of attorney"

Sec. 5. "Durable power of attorney" means a power of attorney that:

- (1) is executed by an incapacitated person before that person became an incapacitated person;
- (2) provides that the power survives the person's incompetence; and
- (3) is executed in accordance with the law in effect in the jurisdiction in which it was executed on the date it was executed.

As added by P.L.169-1988, SEC.1. Amended by P.L.33-1989, SEC.57.

IC 29-3-1-6

"Guardian"

Sec. 6. "Guardian" means a person who is a fiduciary and is appointed by a court to be a guardian or conservator responsible as the court may direct for the person or the property of an incapacitated person or a minor. The term includes a temporary guardian, a limited guardian, and a successor guardian but excludes one who is only a guardian ad litem. The terms guardian and conservator are interchangeable.

As added by P.L.169-1988, SEC.1. Amended by P.L.33-1989, SEC.58.

IC 29-3-1-7

"Guardianship property"

Sec. 7. "Guardianship property" means the property of an incapacitated person or a minor for which a guardian is responsible.

As added by P.L.169-1988, SEC.1. Amended by P.L.33-1989, SEC.59.

IC 29-3-1-7.5

"Incapacitated person"

Sec. 7.5. "Incapacitated person" means an individual who:

- (1) cannot be located upon reasonable inquiry;
- (2) is unable:
 - (A) to manage in whole or in part the individual's property;
 - (B) to provide self-care; or
 - (C) both;

because of insanity, mental illness, mental deficiency, physical illness, infirmity, habitual drunkenness, excessive use of drugs, incarceration, confinement, detention, duress, fraud, undue influence of others on the individual, or other incapacity; or

- (3) has a developmental disability (as defined in IC 12-7-2-61).

As added by P.L.33-1989, SEC.60. Amended by P.L.2-1992, SEC.790.

IC 29-3-1-8

Repealed

(Repealed by P.L.264-1989, SEC.14.)

IC 29-3-1-9

"Letters"

Sec. 9. "Letters" means letters of guardianship.

As added by P.L.169-1988, SEC.1.

IC 29-3-1-10

"Minor"

Sec. 10. "Minor" means an individual who is less than eighteen (18) years of age and who is not an emancipated minor.

As added by P.L.169-1988, SEC.1. Amended by P.L.264-1989, SEC.2.

IC 29-3-1-11**"Parent"**

Sec. 11. "Parent" means a biological or adoptive parent. The term does not include a stepparent, foster parent, or grandparent.

As added by P.L.169-1988, SEC.1.

IC 29-3-1-12**"Person"**

Sec. 12. "Person" means an individual, an organization, an association, a nonprofit corporation, a corporation for profit, a limited liability company, a partnership, a financial institution, a trust, the division of family resources or other governmental entity, or other legal entity.

As added by P.L.169-1988, SEC.1. Amended by P.L.2-1992, SEC.791; P.L.8-1993, SEC.461; P.L.145-2006, SEC.168.

IC 29-3-1-13**"Protected person"**

Sec. 13. "Protected person" means an individual for whom a guardian has been appointed or with respect to whom a protective order has been issued.

As added by P.L.169-1988, SEC.1.

IC 29-3-1-14**"Protective proceeding"**

Sec. 14. "Protective proceeding" means a proceeding for a protective order under IC 29-3-4.

As added by P.L.169-1988, SEC.1.

IC 29-3-1-15**"Support"**

Sec. 15. "Support" means care, maintenance, and education or training, if appropriate.

As added by P.L.169-1988, SEC.1.

IC 29-3-1-15.5**"Volunteer advocate for incapacitated adults"**

Sec. 15.5. "Volunteer advocate for incapacitated adults" means an individual who:

- (1) is a volunteer;
- (2) has completed a guardian training program approved by a court;
- (3) is supervised by a volunteer advocates for incapacitated adults program that is appointed by a court to serve as a guardian for an incapacitated person who is at least eighteen (18) years of age; and
- (4) provides reports and makes recommendations to a court.

As added by P.L.11-2006, SEC.1. Amended by P.L.72-2010, SEC.1.

IC 29-3-1-16

"Volunteer advocate for seniors"

Sec. 16. "Volunteer advocate for seniors" means an individual who:

- (1) is a volunteer;
- (2) has completed a guardian training program approved by a court;
- (3) is supervised by a volunteer advocates for seniors program that is appointed by a court to serve as a guardian for an incapacitated person who is at least fifty-five (55) years of age; and
- (4) provides reports and makes recommendations to a court.

As added by P.L.41-2004, SEC.1. Amended by P.L.72-2010, SEC.2.

IC 29-3-1-17

"Volunteer advocates for incapacitated adults program"

Sec. 17. "Volunteer advocates for incapacitated adults program" means:

- (1) an Indiana nonprofit or municipal corporation;
- (2) a program of an Indiana nonprofit or municipal corporation;
- or
- (3) a program operated by a county or court;

that is appointed by a court to serve as a guardian for an incapacitated person who is at least eighteen (18) years of age and trains and supervises volunteers in a court approved guardian program for incapacitated adults.

As added by P.L.72-2010, SEC.3.

IC 29-3-1-18

"Volunteer advocates for seniors program"

Sec. 18. "Volunteer advocates for seniors program" means:

- (1) an Indiana nonprofit or municipal corporation;
- (2) a program of an Indiana nonprofit or municipal corporation;
- or
- (3) a program operated by a county or court;

that is appointed by a court to serve as a guardian for an incapacitated person who is at least fifty-five (55) years of age and trains and supervises volunteers in a court approved guardian program for incapacitated persons who are at least fifty-five (55) years of age.

As added by P.L.72-2010, SEC.4.